

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 13-24. No new matter is presented. Thus, claims 13-24 are pending and under consideration. The rejections are traversed below.

REQUEST FOR EXAMINER INTERVIEW:

Applicants also respectfully request that the Examiner contact the undersigned at the Examiner's convenience, and prior to acting on the case, for discussion in order to expedite the prosecution of this application.

DOUBLE PATENTING REJECTION:

In the outstanding Office Action the Examiner maintains the rejection of claims 13-24 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 12-22 of U.S. Patent App. No. 10/573,974. Since claims 13-24 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. MPEP § 804(I)(B).

Therefore, it is respectfully requested that the Applicants be allowed to address any obviousness-type double patenting issues remaining once the rejection of the claims is resolved and that the rejection be reconsidered in light of the claims presented above.

REJECTION UNDER 35 U.S.C. § 102:

Claims 13-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 1 2889 241 (Shibao).

Claim 13 of the present application recites "storing each multimedia object having a corresponding reference number" and "specifying an allocation map, having at least one data record, each indicating allocation of a specific call recipient to a specific reference number of a specific multimedia object." The Applicants respectfully submit that Shibao does not disclose or suggest at least this feature of claim 13.

In contrast to "specifying an allocation map, having at least one data record, each indicating allocation of a specific call recipient to a specific reference number of a specific multimedia object", Shibao transmits calling party information from a calling party information server to the called end terminal station (see, paragraph 68). Meaning, Shibao does not teach

or suggest usage of "a reference number for determining and playing "a corresponding multimedia object", as taught by the claimed invention.

The calling party information DB 91 of Shibao which the Examiner appears to compare with the "an allocation map... each indicating allocation of a specific call recipient to a specific reference number of a specific multimedia object" (claim 13), is specifically described as:

"The calling party information DB 91 in the calling party information server 9 may store frames in bitmap format when the animation as the calling party information is stored, in which case the calling party information server 9 **transmits the bitmap frames as the calling party information to the called-end terminal station 5 where the calling party information reproducing unit 52 displays each bitmap frame sequentially to replay the animation**" (emphasis added).

(see, paragraph 52 of Shibao).

As can be seen from the above discussion, Shibao does not discuss "an allocation map... each indicating allocation of a specific call recipient to a specific reference number of a specific multimedia object." For the above-discussed reason, the Examiner does not appear to have established a priori case of anticipation. For this reason it is requested that the rejection be withdrawn.

It is respectfully submitted that Shibao does not disclose or suggest enabling a caller to specify "specifying an allocation map, having at least one data record, each indicating allocation of a specific call recipient to a specific reference number of a specific multimedia object", as recited in claim 13.

Accordingly, Shibao does not disclose each and every element of the Applicants' claim 13. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Shibao does not disclose the features recited in the independent claims, as stated above, it is respectfully submitted that the independent claims patentably distinguishes over Shibao, and withdrawal of the §102(b) rejection is earnestly and respectfully solicited.

The claimed invention enables use of "a specific reference number of a specific multimedia object" with "a specific recipient" (claim 13), thereby allowing for example different multimedia objects to be used with the call recipient and does not require transmission of the complete calling party information or the object from the network to the subscriber device. Shibao teaches away from the claimed invention since it requires transmission of the bitmap frames as the calling party information to the called-end terminal station (see at least paragraph

52 of Shibao).

Claims depending from the independent claims include all of the features of that claim plus additional features which are not disclosed by Shibao. For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Shibao. The dependent claims are also independently patentable.

For example, Shibao does not teach or suggest "a predefined reference number of a predefined multimedia object... in the event of a call recipient being selected for whom there is no data record in the allocation map", as recited in claim 16. In contrast, Shibao is directed to transmitting the calling party information (not the "reference number") be sent to the called end terminal station each time there is a call.

Therefore, withdrawal of the rejection is respectfully requested.

WITHDRAWAL OF FINALITY:

As discussed above, each of the independent claims are allowable over Shibao, and therefore, Applicants respectfully request reconsideration of the finality of the rejection and withdrawal of the finality of the Office Action.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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